

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 2 and 4-9 remain pending, wherein claims 1, 2, 5, 8 and 9 are amended. It is respectfully submitted that the amendments to claim 1 are not narrowing amendments, but instead merely address the formatting of these claims.

Claims 1, 2, 4, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott, Mears and U.S. Patent Application Publication No. 2005/0005307 (Kim). This ground of rejection is respectfully traversed.

The combination of McDermott, Mears and Kim does not render claim 1 obvious because the combination does not disclose or suggest all of the elements of this claim. For example, the combination does not disclose or suggest:

(II) when the control unit could not find channel information for the desired channel in the memory, the control unit shifts a frequency to search for the physical channel and

(a) references the VCT for channel selection when it could obtain the VCT and,

(b) selects such a channel that has the smallest sub-channel number in the same physical channel as the desired channel when it could not obtain the VCT.

These features are not disclosed or suggested by McDermott, Mears and Kim, either alone or in combination.

The Office Action appears to recognize that McDermott discloses that when the virtual channel is not in the VCT, tuning is stopped and message is displayed on the screen. The Response to Arguments section states that Mears is being relied upon for the disclosure of how to handle invalid/unavailable channels.

Mears discloses that when a user enters a valid main channel number but an invalid subchannel, the unit will tune to the first available subchannel, which could be "the lowest highest or the nearest valid subchannel depending on user preference."¹ Applicants' claim 1 does not, however, merely recite selecting the lowest sub-channel when channel information is not found in memory. Instead, the claim specifically recites that when channel information is not found in memory the control unit shifts a frequency to search for the physical channel and:

- (a) references the VCT for channel selection when it could obtain the VCT and,
- (b) selects such a channel that has the smallest sub-channel number in the same physical channel as the desired channel when it could not obtain the VCT.

First, Mears does not disclose or suggest shifting a frequency to search for the physical channel when the control unit could not find channel information for the desired channel in the memory. Mears also does not disclose or suggest

¹ Column 6, lines 60-67.

referencing the VCT for channel selection when the VCT could be obtained, or selecting the channel having the smallest sub-channel when the VCT could not be obtained.

Kim does not remedy the above-identified deficiencies of McDermott and Mears. Accordingly, even if one of ordinary skill in the art were motivated to combine McDermott, Mears and Kim, the combination would not disclose or suggest all of the elements of Applicants' claim 1.

Claim 2 recites that:

wherein when the control unit fails to select the desired channel based on information stored in the memory because the desired channel is not currently being aired, the control unit

(I) obtains the latest VCT and selects such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel; and or

(II) selects such a channel that has the smallest sub-channel number in the same physical channel as the desired channel when the latest VCT is not obtained.

As discussed above with regard to claim 1, the combination of McDermott, Mears and Kim does not disclose or suggest the smallest sub-channel number in the same physical channel as the desired channel when the latest VCT is not obtained. Accordingly, this combination does not render claim 2 obvious.

Claims 4, 8 and 9 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from claims 1 and 2.

Moreover, the combination of McDermott, Mears and Kim does not disclose or suggest the element of claims 8 and 9 that “the referenced VCT stored in the memory is stored due to a previous selection, by a user, of a main channel corresponding to a main channel of the desired channel.”

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 1, 2, 4, 8 and 9 as being obvious in view of the combination of McDermott, Mears and Kim be withdrawn.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott and Mears. This ground of rejection is respectfully traversed.

The combination of McDermott and Mears does not disclose or suggest at least the following element of amended claim 5:

determining whether a channel corresponding to the channel changing instruction is stored in a memory, wherein a channel is stored in the memory due to a previous selection, by a user, of a main channel corresponding to a main channel of the channel changing instruction.

McDermott and Mears are both silent regarding storing a channel in memory due to a previous selection, by a user, of a main channel corresponding

to a main channel of the channel changing instruction. Accordingly, the combination of McDermott and Mears does not render claim 5 obvious, and this rejection should be withdrawn.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott, Mears and U.S. Patent No. 6,483,547 (Eyer). Claim 7 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott, Mears, Eyer and Kim. These grounds of rejection are respectfully traversed.


Claim 6 depends from claim 5, and claim 7 depends from claim 6. As discussed above, the combination of McDermott and Mears does not disclose or suggest all of the elements of claim 5. It is respectfully submitted that Eyer and Kim each do not remedy the above-identified deficiencies of the combination of McDermott and Mears. Accordingly, it is respectfully requested that the rejection of claims 6 and 7 for obviousness be withdrawn.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 010482.50891).

Respectfully submitted,

July 17, 2008



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